IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2035 OF 2005

Akshay Co-operative Housing Society ....Petitioner
Versus
The Municipal Corporation of Gr.Mumbai & Ors. ....Respondents

Mr.N. H. Seervai, Senior advocate with Mr.P. M. Havnur and Mr.R. V. Govilkar for the Petitioner.
Ms.Aruna Savla for Respondent Nos.1 and 2.
Mr.Amjad Sayed, Assistant Government Pleader for Respondent Nos.3 and 4.
Mr.V. J. Hegde for Respondent No.5.

CORAM : DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 30TH SEPTEMBER, 2005.

P.C. :

We have heard the learned counsel for the parties at length. In the facts and circumstances of this case, we give permission to the Petitioner to apply to the Executive Engineer (Building Proposal) H & K Wards, Bhabha Hospital, 1st Floor, R. K. Patkar Marg, Bandra (West), Mumbai-400 050 for construction of the iron strip boundry wall and gate at Y. A. C. Nagar, Kondivita Road, Andheri (East), Mumbai-400 059.

2. The Petitioner would be at liberty to file an application with the documents within one week. The concerned authority of the Municipal Corporation of Greater Mumbai after affording the hearing to the Petitioner and all concerned, including Respondent No.5, pass a reasoned order within six weeks from the date of receipt of the written application from the Petitioner.

3. The Municipal Corporation of Greater Mumbai is further directed to consider the legality of the construction wall/fencing by other societies.

4. No further directions are necessary in this Writ Petition. The Petition is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.